



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Sixteenth Meeting Day

Monday Afternoon

February 7, 2005

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Pastor Ron Peterson, South Park Baptist Church, Crown Point, the guest of Senator Dorothy S. "Sue" Landske.

The Pledge of Allegiance to the Flag was led by Senator Landske.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr <input checked="" type="checkbox"/>	Lubbers
Bowser	Lutz
Bray	Meeks <input checked="" type="checkbox"/>
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse <input checked="" type="checkbox"/>	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 62: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Joint Resolution 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 499, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 5. IC 3-5-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. "Marking device" means:

(1) an apparatus in which paper ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter;

(2) (1) a pencil for marking a paper ballot or ballot card; or

(3) (2) an approved touch-sensitive device that automatically registers a vote on an electronic voting system.

SECTION 6. IC 3-5-2-48.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48.5. "Testing authority" means an independent test authority as described in: or independent laboratory:

(1) as described in the Voting System Standards issued by the Federal Election Commission on April 30, 2002; or

(2) other more recent voting systems standards adopted by the commission under IC 3-11-15-13: accredited under Section 231 of HAVA (42 U.S.C. 15371)."

Page 34, line 24, delete "Evaluation" and insert "Oversight".

Page 45, line 21, after "PASSAGE]:" insert "IC 3-5-2-21.5";

Renumber all SECTIONS consecutively.

(Reference is to SB 499 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "document" insert "or documents".

Page 1, line 4, delete "satisfies" and insert "satisfy".

Page 1, delete lines 7 through 8, begin a new line block indented and insert:

"(2) The document:

(A) shows a photograph of the individual to whom the document was issued;

(B) was issued by the bureau of motor vehicles under IC 9-24-16-3.5 to an individual who has a religious

objection to being photographed; or
(C) satisfies the documentation requirements:
 (i) issued by the bureau of motor vehicles under IC 9-24-11-2; and
 (ii) used by the bureau as proof of identification for the new issuance of a driver's license, permit, or identification card."

Page 1, line 9, delete "." and insert ", or if the document is expired, it expired after the date of the most recent general or municipal election."

Page 2, line 23, delete "If a voter swears or affirms under the penalties of".

Page 2, delete lines 24 through 29.

Page 3, line 7, delete "If a voter swears or affirms under the penalties of".

Page 3, delete lines 8 through 13.

Page 5, line 9, delete "If a voter swears or affirms under the penalties of".

Page 5, delete lines 10 through 15.

Page 5, after line 34, begin a new paragraph and insert:

"SECTION 5. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The bureau shall issue an identification card without a photograph or computerized image to an individual who signs a written statement under the penalties for perjury that states that the voter has a religious objection to being photographed.**

SECTION 6. **An emergency is declared for this act."**

(Reference is to SB 483 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "675 IAC 12-6-2(b), as in effect on January" and insert "**IC 22-12-1-4.**"

Page 1, delete line 6.

Page 1, line 7, delete "publicly owned" and insert "**multifamily residential building.**"

Page 1, delete line 8.

Page 2, between lines 3 and 4, begin a new paragraph and insert: "**Sec. 1. This chapter applies:**

(1) in a municipality only if the executive of the municipality approves the application of this chapter in the municipality; and

(2) in the area of a county not located in a municipality only if the executive of the county approves the application of this chapter in that area."

Page 2, line 4, delete "1." and insert "2."

Page 2, line 7, after "structure" insert "**and the parcel or parcels on which the structure is located**".

Page 2, line 11, delete "1527.00);" and insert "**1527.00), as amended or updated from time to time;**".

(Reference is to SB 181 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 493, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 571, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 121, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "previously" and insert "**first**".

Page 1, line 8, delete "pledger:" and insert "**pledger**".

Page 1, line 9, delete "(A)".

Page 1, run in lines 8 through 9.

Page 1, line 9, delete "article; and" and insert "**article.**".

Page 1, delete lines 10 through 12.

(Reference is to SB 121 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 266, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 60, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, reset in roman line 21.

Page 2, line 22, delete "of:" and insert "**signature of**".

Page 2, line 26, reset in roman "the director or the director's designee".

(Reference is to SB 60 as printed January 19, 2005.)
and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-4-6-3 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) This section applies only to second class cities.

(b) The legislative body shall adopt an ordinance to divide the city into:

(1) six (6) districts; or

(2) eight (8) districts.

(c) The legislative body shall create districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection ~~(c)~~ (d) or ~~(d)~~ (e); and

(4) contain, as nearly as is possible, equal population.

~~(c)~~ (d) The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

~~(d)~~ (e) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

~~(c)~~ (f) A city legislative body district with a boundary described by subsection ~~(c)~~ (d) or ~~(d)~~ (e) may not cross a census block boundary line except:

(1) when following a precinct boundary line; or

(2) the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

~~(f)~~ (g) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection ~~(c)~~ (d) or ~~(d)~~ (e) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

~~(g)~~ (h) The division under subsection (b) shall be made in 2002, every ten (10) years after that, and when required to assign annexed territory to a district. This division may be made at any other time, subject to IC 3-11-1.5-32.

~~(h)~~ (i) **If the city is divided into six (6) districts**, the legislative body is composed of six (6) members elected from the districts established under subsection (b)(1) and three (3) at-large members.

~~(i)~~ Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If the city is divided into eight (8) districts, the legislative body is composed of eight (8) members elected from the districts established under subsection (b)(2) and three (3) at-large members. Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(j)~~ (k) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

~~(k)~~ **(l)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

~~(h)~~ **(m)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(Reference is to SB 61 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Rules and Legislative Procedure.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-4-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) This section applies only to second class cities.

(b) The legislative body shall adopt an ordinance to divide the city into:

- (1) six (6) districts; or**
- (2) seven (7) districts.**

(c) The legislative body shall create districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection ~~(c)~~ **(d)** or ~~(d)~~ **(e)**; and
- (4) contain, as nearly as is possible, equal population.

~~(c)~~ **(d)** The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

~~(d)~~ **(e)** The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

~~(e)~~ **(f)** A city legislative body district with a boundary described by subsection ~~(c)~~ **(d)** or ~~(d)~~ **(e)** may not cross a census block boundary line except:

- (1) when following a precinct boundary line; or
- (2) the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

~~(f)~~ **(g)** The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection ~~(c)~~ **(d)** or ~~(d)~~ **(e)** unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

~~(g)~~ **(h)** The division under subsection (b) shall be made in 2002, every ten (10) years after that, and when required to assign annexed territory to a district. This division may be made at any other time, subject to IC 3-11-1.5-32.

~~(h)~~ **(i)** If the city is divided into six (6) districts, the legislative body is composed of six (6) members elected from the districts established under subsection ~~(b)~~ **(b)(1)** and three (3) at-large members. ~~(i)~~ Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If the city is divided into seven (7) districts, the legislative body is composed of seven (7) members elected from the districts established under subsection (b)(2) and four (4) at-large members. Each voter of the city may vote for four (4) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The four (4) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(i)~~ **(k)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

~~(k)~~ **(l)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

~~(l)~~ **(m)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(Reference is to SB 62 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Rules and Legislative Procedure.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-12-5.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) In addition to projects authorized by the general assembly, the trustees of each higher education institution may engage in any of the following projects so long as there are funds available for the project and the project meets any of the applicable conditions:

(1) Each project to construct buildings or facilities of a cost greater than two hundred thousand dollars (\$200,000), or to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds ~~one~~ two hundred thousand dollars ~~(\$100,000); (\$200,000)~~, must be reviewed by the commission for higher education and approved by the governor upon recommendation of the budget agency. If any part of the cost of the project as specified in section 3 of this chapter is paid by state appropriated funds or by mandatory student fees assessed all students and if the project is to construct buildings or facilities of a cost greater than five hundred thousand dollars (\$500,000), or to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds three hundred thousand dollars (\$300,000), the project must also be approved by the general assembly. Nothing herein limits the trustees in supplementing projects approved by the general assembly from gifts or other available funds so long as approval for the expansion of projects is given by the governor on review by the commission for higher education and recommendation of the budget agency.

(2) Each repair and rehabilitation project must be reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency, if the cost of the project exceeds five hundred thousand dollars (\$500,000) and if any part of the cost of the project is paid by state appropriated funds or by mandatory student fees assessed all students. If no part of the cost of the repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students, the review and approval requirements of this subdivision apply only if the project exceeds one million dollars (\$1,000,000).

(3) Each project to lease, other than a project to lease-purchase, a building or facility must be reviewed by the

commission for higher education and approved by the governor, on recommendation of the budget agency, if the annual cost of the project exceeds ~~fifty one hundred thousand dollars (\$50,000); (\$100,000)~~.

(b) The review and approval requirements of subsection (a)(1) do not apply to a project to construct buildings or facilities or to purchase or lease-purchase land, buildings, or facilities if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

(Reference is to SB 138 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

GARTON, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 9 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 13

Senator Heinold called up Senate Concurrent Resolution 13 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres, Lehe, and Kuzman.

SENATE BILLS ON SECOND READING

Senate Bill 264

Senator Altling called up Senate Bill 264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 352

Senator Broden called up Senate Bill 352 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 433

Senator Lubbers called up Senate Bill 433 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 125

Senator Ford called up Senate Bill 125 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 43

Senator Gard called up Senate Bill 43 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 43-1)

Madam President: I move that Senate Bill 43 be amended to read as follows:

Page 2, line 30, delete "fourteen (14)" and insert "**thirty (30)**".
Page 3, line 31, delete "fourteen (14)" and insert "**thirty (30)**".
(Reference is to SB 43 as printed February 4, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 265

Senator Jackman called up Senate Bill 265 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 619

Senator Gard called up Senate Bill 619 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 15

Senator Lawson called up Senate Bill 15 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 15-2)

Madam President: I move that Senate Bill 15 be amended to read as follows:

Page 5, line 21, delete "**specific**".
Page 10, line 30, delete "**specific**".
(Reference is to SB 15 as printed January 25, 2005.)

LUTZ

Upon request of Senator Lutz the President ordered the roll of the Senate to be called. Roll Call 63: yeas 16, nays 31.

Motion failed. The bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Howard:

A CONCURRENT RESOLUTION congratulating the Arlington High School Golden Knights on their victory in the 66th annual boys basketball Indianapolis City tournament.

Whereas, The fate of the Arlington High School Golden Knights rested on a free throw in the championship game of the 66th annual boys basketball Indianapolis City tournament on January 24, 2005;

Whereas, For senior David Squires, who shot the winning free throw, it was a moment when time stood still;

Whereas, The winning shot hit the front rim and the backboard and finally went in with 9.3 seconds left in the game, giving the Class 4A, number-one ranked Golden Knights a 53-52 lead over the Space Pioneers of Northwest High School;

Whereas, As dramatic as David Squires' first free throw was, this game had much more to offer;

Whereas, After David Squires missed the second free throw, Arlington's Deonta Vaughn and Northwest's B. J. Shelton were tied up on the rebound, with the possession arrow pointing to Arlington;

Whereas, After two timeouts, Arlington's John Freeman was fouled on the inbound pass with 5.7 seconds left; he missed the first free throw of a one-and-one opportunity;

Whereas, Deonta Vaughn fouled Space Pioneer Carl Baucham on the rebound;

Whereas, With 4.5 seconds left in the game, Northwest was forced to go the length of the floor to score;

Whereas, Just before time expired, Northwest fired a 22-foot shot that missed as the final buzzer sounded;

Whereas, This year's Indianapolis City championship title is the seventh for the 16-0 Arlington Golden Knights and their fifth in nine years;

Whereas, This is the fifth title for head coach and athletic director Larry Nicks, tying him with Tech High School's Tim Campbell for the most Indianapolis City championship titles for a coach, a record that has stood since 1934 when Coach Campbell won the first five titles;

Whereas, The success of the Golden Knights can be attributed in part to the maturity of the players and their ability to stick to their coach's game plan;

Whereas, The Golden Knights are led by six seniors: David Squires, Anthony Munford, Tim Smith, Terry Coleman, Antonio Batteast, and Deonta Vaughn, an Indiana University recruit; and

Whereas, Cooperation and dedication to a goal helped the players and coaches of Arlington High School win the Indianapolis City tournament; these are attributes that will help the players and coaches throughout their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the Arlington Golden Knights on their victory in the 66th annual boys basketball Indianapolis City tournament and wish them success in the rest of the season and in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the players; head coach and athletic director Larry Nicks; varsity assistant coaches Mike Bennett, Tony Johnson, Robby Phillips, and Bob Wonnell; principal Dr. Jacqueline S. Greenwood; and superintendent Duncan "Pat" Pritchett.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING

Senate Bill 101

Senator Long called up Senate Bill 101 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 598

Senator Lubbers called up Senate Bill 598 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 217

Senator Server called up Senate Bill 217 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 334

Senator M. Young called up Senate Bill 334 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 334-1)

Madam President: I move that Senate Bill 334 be amended to read as follows:

Page 3, delete lines 23 through 29.

Page 3, line 30, delete "(C)" and insert "(B)".

Page 3, line 33, delete "(D)" and insert "(C)".

(Reference is to SB 334 as printed February 4, 2005.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 293

Senator Miller called up Senate Bill 293 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 444

Senator M. Young called up Senate Bill 444 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 172

Senator M. Young called up Senate Bill 172 for second reading.

The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 140

Senator Paul called up Senate Bill 140 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 612

Senator Harrison called up Senate Bill 612 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 574

Senator Server called up Senate Bill 574 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 611

Senator Harrison called up Senate Bill 611 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 301

Senator Clark called up Senate Bill 301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 484

Senator Wyss called up Senate Bill 484 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 67

Senator Steele called up Senate Bill 67 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 193

Senator Paul called up Senate Bill 193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 615

Senator Server called up Senate Bill 615 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 420

Senator Lawson called up Senate Bill 420 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 420-1)

Madam President: I move that Senate Bill 420 be amended to

read as follows:

Page 2, line 22, delete "center or the child care".

Page 2, line 23, delete "provider" and insert "**home**".

Page 4, line 22, delete "as follows:" and insert "**by ensuring the child is in the caregiver's hearing or line of sight at all times. However, for a child who is less than eight (8) months of age, the child must be in the caregiver's hearing and line of sight at all times, except that the caregiver may attend to personal needs for not more than five (5) minutes as long as the caregiver assures for the safety of the child during that time.**".

Page 4, delete lines 23 through 37.

(Reference is to SB 420 as printed January 28, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 115

Senator Zakas called up Engrossed Senate Bill 115 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Senator Garton yielded the gavel to Senator Zakas.

Engrossed Senate Bill 298

Senator M. Young called up Engrossed Senate Bill 298 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle, Murphy, and Denbo.

Engrossed Senate Bill 285

Senator Wyss called up Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 40, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Hinkle.

Engrossed Senate Bill 308

Senator M. Young called up Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 42, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle and Oxley.

Senator Zakas yielded the gavel to Senator Garton.

Engrossed Senate Bill 75

Senator Paul called up Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 44, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley, Saunders, and Hoffman.

Senator Garton yielded the gavel to Senator Lubbers.

Engrossed Senate Bill 419

Senator Steele called up Engrossed Senate Bill 419 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Foley, and Welch.

Engrossed Senate Bill 569

Senator Miller called up Engrossed Senate Bill 569 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and C. Brown.

Engrossed Senate Bill 442

Senator Server called up Engrossed Senate Bill 442 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

Engrossed Senate Bill 306

Senator Riegsecker called up Engrossed Senate Bill 306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Neese, Friend, Walorski, and Ulmer.

Engrossed Senate Bill 209

Senator Landske called up Engrossed Senate Bill 209 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed

the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle and Kuzman.

Engrossed Senate Bill 372

Senator Kenley called up Engrossed Senate Bill 372 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Thompson.

Engrossed Senate Bill 223

Senator Miller called up Engrossed Senate Bill 223 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Duncan.

Engrossed Senate Bill 417

Senator Lawson called up Engrossed Senate Bill 417 for third reading:

A BILL FOR AN ACT concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas and Tincher.

SENATE MOTION

Madam President: I move that Senate Bill 94, which is eligible for third reading, be returned to second reading for purposes of amendment.

LEWIS

Motion prevailed.

Engrossed Senate Bill 282

Senator Long called up Engrossed Senate Bill 282 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borrer, GiaQuinta, Espich, and Bauer.

Engrossed Senate Bill 340

Senator Lawson called up Engrossed Senate Bill 340 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and Crawford.

Engrossed Senate Bill 452

Senator Kenley called up Engrossed Senate Bill 452 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borrer and T. Harris.

Engrossed Senate Bill 329

Senator Gard called up Engrossed Senate Bill 329 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders and Pflum.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1022

Senator Steele called up Engrossed House Bill 1022 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 94.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as second author of Senate Bill 315.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 571.

SIMPSON

Motion prevailed.

Senator Lubbers yielded the gavel to Senator Garton.

SENATE MOTION

Madam President: I move that Senators Antich-Carr and M. Young be added as coauthors of Senate Bill 94.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author and Senator Zakas be added as coauthor of Senate Bill 615.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 571.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Senate Bill 266.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 61 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 62 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as second author of Senate Bill 574.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 266.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 493.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be removed as second author of Senate Bill 141.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be removed as author of Senate Bill 141 and that Senator Gard be substituted therefor.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 141.

GARD

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1078, 1129, 1183, 1230, and 1375 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 8, 2005.

LONG

Motion prevailed.

The Senate adjourned at 4:22 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate